

The *Boyertown* Case

Case Name: *Joel Doe v. Boyertown Area School District*

Case Status: On Nov. 19, 2018, Alliance Defending Freedom and Pennsylvania-based Independence Law Center petitioned the U.S. Supreme Court for review of a decision by the U.S. Court of Appeals for the 3rd Circuit.

Significance: Whether students in public schools will have their privacy from the opposite sex protected while using school showers, restrooms, and locker rooms.



Background: During the 2016-17 school year—without informing parents or students—the Boyertown Area School District opened its high school locker rooms and restrooms to students of the opposite sex based on those students’ beliefs about their gender. Joel Doe learned of the policy while he was undressing in the locker room and discovered that a female student was changing clothes with him. Embarrassed and confused, he and other students sought help from school officials, who told them they should just “tolerate” the situation and make it as “natural” as possible. After parents got involved, the officials told students their alternative was to stop using the boys’ locker room. Joel was marked down for not changing his clothes before gym class and eventually felt forced to leave the school entirely for his senior year.

Another Boyertown student, Alexis Lightcap (pictured above), learned of the policy when she encountered a boy in her restroom. She was shocked, afraid, and fled the room. School officials refused to listen to her privacy concerns, too.

While the U.S. Court of Appeals for the 3rd Circuit correctly held that students have a constitutional right to not be seen undressed by the opposite sex (i.e. “bodily privacy”), it nonetheless upheld Boyertown Area School District’s policy which makes privacy protection from the opposite sex contingent on what opposite-sex students believe about their gender.

Key Points

- We need a compassionate approach to protecting everyone’s privacy.
- Students experiencing confusion about their sex need compassionate support. There are many ways that schools, students, and parents can provide that support; but letting boys into girls’ showers, restrooms, or locker rooms does not respect other students and does not protect privacy.
- No student’s right to privacy should be contingent on other students’ beliefs about their gender.
- The Constitution protects every student’s right to bodily privacy.
- That right to bodily privacy means a right not to be seen undressed by the opposite sex.
- Sex-specific showers, restrooms, and locker rooms are a commonsense solution to protect the bodily privacy and safety of all students.

Key Facts

- Without notifying students or their parents, Boyertown Area High School started allowing boys into girls’ locker rooms, and vice versa, based on the students’ own beliefs about their gender.
- A male high school student discovered the new policy when he found a half-dressed girl a few feet away in the boys’ locker room while he was changing clothes.
 - The school simply said: “tolerate” the situation—make it as “natural” as possible.
- Another student was made to feel that she was the problem for reporting a boy in the girls’ restroom—when she was so scared after discovering a boy in the girls’ restroom that she sprinted out of the room.

The Bottom Line: Student privacy rights in showers, restrooms, and locker rooms should not depend on others’ beliefs about their gender.